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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,286	08/20/2001	Stanislaw D. Augustynowicz	KSC-12092	8057

7590

02/11/2004

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT

1772

PAPER NUMBER

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/939,286

Applicant(s)

AUGUSTYNOWICZ ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

All participants (applicant, applicant's representative, PTO personnel):

(1) Alicia Chevalier.

(3) Stanislaw Augustynowicz.

(2) Randall Heald and Carol Dunn.

(4) James Fesmire.

Date of Interview: 10 February 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: All pending.

Identification of prior art discussed: All cited.

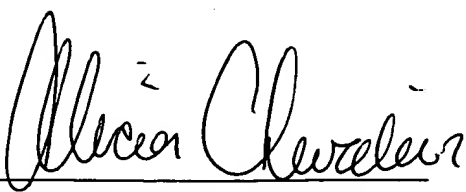
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required. 2-10-04

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's Representative initiated a telephonic interview with the Examiner to discuss the finality of the last office action and the different between the invention and the cited prior art.

Applicant's Representative felt that the finality of the last office action was premature because they only narrowed the scope of an existing limitation. Applicant specifically amended claims 1 and 12, the base claims, to specify the materials comprising the reflection layer and the carrier layer. According to MPEP § 706.07(a), [U]nder present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Since Applicant amended the claims to include limitation never before presented, i.e. the specific materials comprising the carrier layer, which narrowed the scope of the claim to over come the prior art of record, it necessitated the Examiner to apply new grounds of rejection.

Applicant's Representative argued that the insulation of the present invention was completely non-rigid and is a blanket, not a panel. The non-rigid blanket form allows the insulation to conform to any three-dimension surface. As discussed, the instant claims presently do not have those specific limitations. Furthermore, at the present time the Examiner is unable to find support in the specification for all the limitations argued by Applicant's Representative.

Applicant's Representative discussed adding limitations directed to the insulation system as a blanket, completely free forming and adding the limitations of claim 10 into the base claims, in order to emphasize the lack of rigidity in of the insulation. The Examiner agreed that the limitations of claim 10 in combination with limitations directed to the insulation being free forming might help with claiming the insulation as completely non-rigid. However, Applicant must show that the specification has support for free forming and an affidavit showing criticality with regard to the thickness of the spacer layer, the limitations of claim 10.